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California State Bar No. 201816

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE JANIS L. SAMMARTINO)

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR HUGO RENDON-LARA,

Defendant.

Case No.: 08cr1367-JLS

Date: August 15, 2008

Time: 1:30 p.m.

**NOTICE OF MOTIONS AND
MOTIONS TO:**

- (1) DISMISS INDICTMENT DUE TO
MISINSTRUCTION OF GRAND JURY;**
- (2) PRODUCE GRAND JURY TRANSCRIPTS;**
- (3) DISMISS INDICTMENT BECAUSE IT IS
UNCONSTITUTIONALLY VAGUE;**
- (4) DISMISS INDICTMENT BECAUSE 18
U.S.C. § 545 IS UNCONSTITUTIONAL;**
- (5) DISMISS INDICTMENT BECAUSE IT IS
DEFECTIVE;**
- (6) STRIKE SURPLUSAGE;**
- (7) SUPPRESS DEFENDANT'S STATEMENTS;
AND**
- (8) GRANT LEAVE TO FILE FURTHER
MOTIONS.**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
WILLIAM A. HALL, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on August 15, 2008, at 1:30 p.m., or as soon thereafter as counsel may be heard, the accused, Victor Hugo Rendon-Lara, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

08cr1367-JLS

MOTIONS

Defendant, Mr. Rendon-Lara, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) Dismiss Indictment Due to Misinstruction of Grand Jury;
- (2) Produce Grand Jury Transcripts;
- (3) Dismiss Indictment Because Is Unconstitutionally Vague;
- (4) Dismiss Indictment Because 18 U.S.C. § 545 Is Unconstitutional;
- (5) Dismiss Indictment Because it Is Defective;
- (6) Strike Surplusage;
- (7) Suppress Defendant's Statements; and
- (8) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

DATED: August 1, 2008

/s/ Jason I. Ser
JASON I. SER
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